

2003 DRAFTING REQUEST**Bill**Received: **12/12/2002**Received By: **tfast**Wanted: **Soon**

Identical to LRB:

For: **Terry Musser (608) 266-7461**By/Representing: **Marlene (aide)**This file may be shown to any legislator: **NO**Drafter: **agary**

May Contact:

Addl. Drafters: **tfast**Subject: **Transportation - motor vehicles**Extra Copies: **PJH - 1**Submit via email: **YES**Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

School bus warning lights

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tfast 12/16/2002						
/P1	agary 12/23/2002	kfollett 01/03/2003 kfollett 01/07/2003	pgreensl 01/07/2003		sbasford 01/07/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	agary 01/15/2003	wjackson 01/16/2003	pgreensl 01/16/2003	_____	mbarman 01/16/2003		
/1	agary 01/22/2003	wjackson 01/22/2003	jfrantze 01/23/2003	_____	sbasford 01/23/2003	lemery 03/12/2003	

FE Sent For:

*None
Needed*

<END>

2003 DRAFTING REQUEST**Bill**Received: **12/12/2002**Received By: **tfast**Wanted: **Soon**

Identical to LRB:

For: **Terry Musser (608) 266-7461**By/Representing: **Marlene (aide)**This file may be shown to any legislator: **NO**Drafter: **agary**

May Contact:

Addl. Drafters: **tfast**Subject: **Transportation - motor vehicles**Extra Copies: **PJH - 1**Submit via email: **YES**Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

School bus warning lights

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tfast 12/16/2002						
/P1	agary 12/23/2002	kfollett 01/03/2003	pgreensl 01/07/2003		sbasford 01/07/2003		
		kfollett 01/07/2003					

01/23/2003 08:55:48 AM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	agary 01/15/2003	wjackson 01/16/2003	pgreensl 01/16/2003	_____	mbarman 01/16/2003		
/1	agary 01/22/2003	wjackson 01/22/2003	jfrantz 01/23/2003	_____	sbasford 01/23/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST**Bill**Received: **12/12/2002**Received By: **tfast**Wanted: **Soon**

Identical to LRB:

For: **Terry Musser (608) 266-7461**By/Representing: **Marlene (aide)**This file may be shown to any legislator: **NO**Drafter: **agary**

May Contact:

Addl. Drafters: **tfast**Subject: **Transportation - motor vehicles**Extra Copies: **PJH - 1**Submit via email: **YES**Requester's email: **Rep.Musser@legis.state.wi.us** ✓

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:


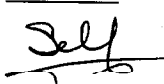
School bus warning lights

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tfast 12/16/2002						
/P1	agary 12/23/2002	kfollett 01/03/2003	pgreensl 01/07/2003		sbasford 01/07/2003		
		kfollett 01/07/2003					

 1/23
  1/23

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/P2	agary	wjackson	pgreensl	_____	mbarman		
	01/15/2003	01/16/2003	01/16/2003	_____	01/16/2003		

/i wlj 1/22—

FE Sent For:

<END>

2003 DRAFTING REQUEST**Bill**Received: **12/12/2002**Received By: **tfast**Wanted: **Soon**

Identical to LRB:

For: **Terry Musser (608) 266-7461**By/Representing: **Marlene (aide)**This file may be shown to any legislator: **NO**Drafter: **agary**

May Contact:

Addl. Drafters: **tfast**Subject: **Transportation - motor vehicles**Extra Copies: **PJH - 1**Submit via email: **YES**Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

School bus warning lights

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	tfast 12/16/2002						
----	---------------------	--	--	--	--	--	--

/P1	agary 12/23/2002	kfollett 01/03/2003	pgreensl 01/07/2003		sbasford 01/07/2003		
-----	---------------------	------------------------	------------------------	--	------------------------	--	--

kfollett
01/07/2003

/P2 Wlj 1/16

1/16

P8

1/16

P8

1/16

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2003 DRAFTING REQUEST**Bill**Received: **12/12/2002**Received By: **tfast**Wanted: **Soon**

Identical to LRB:

For: **Terry Musser (608) 266-7461**By/Representing: **Marlene (aide)**This file may be shown to any legislator: **NO**Drafter: **agary**

May Contact:

Addl. Drafters: **tfast**Subject: **Transportation - motor vehicles**Extra Copies: **PJH - 1**Submit via email: **YES**Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

School bus warning lights

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tfast 12/16/2002 agary	1 P1 kf		_____			

FE Sent For:

<END>

Fast, Timothy

From: Reineking, Marlene
Sent: Thursday, December 05, 2002 3:09 PM
To: Fast, Timothy
Subject: FW: CONSTITUENT -- School Bus Red Warning Lights
 HI TIM.....

Here is the letter. Talk to you soon. Marlene @ Mussers 6-7461

-----Original Message-----

From: Erickson, Dan [mailto:DanE@tomah.k12.wi.us]
Sent: Wednesday, November 27, 2002 9:32 AM
To: Rep.Musser@legis.state.wi.us
Cc: Sartorius, Gary
Subject: CONSTITUENT -- School Bus Red Warning Lights

Dear Assemblyman Musser:

The Tomah Area School District's Transportation Department has a matter we wish to have clarified and, more importantly, improved upon.

Your attention is directed to Wisconsin Statutes 346.475, 346.48 (2) (a) (b) and 349.21 (1) (2). Handicapped children are addressed in 346.475 but not in the school bus statutes 346.48 and 349.21. This school district transports a number of students who are mobile only with the assistance of a wheel chair.

There are times the school bus cannot drive off the road or street to load or unload a wheel chair student. It can take upwards of five (05) minutes for a loading or unloading procedure to be completed. If the student lives on a street that has curb and sidewalk on one side, but not the other side, the red warning lights must be used per S.346.48 regardless of local ordinance(s) in effect under S.349.21. The use of red warning lights continuously for up to five (05) minutes can be a serious safety hazard and is a grave concern on the part of this department.

Below is Traffic Code 7.09, the first from the City of Tomah, the second from the City of Sparta. Both are presented verbatim.

7.09 "USE OF FLASHING RED WARNING LIGHTS BY SCHOOL BUS OPERATORS. No school bus operator shall use the flashing red warning lights when operating a school bus when or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school ground on Clark St. from Brownell St. to Monroe St. and on Oak St. from Monroe St. to La Crosse St., which is an area designated by school warning signs as provided in the Wisconsin Statutes."

7.09 "SCHOOL BUSES, USE OF FLASHERS. School bus operators shall not use flashing red warning lights in the City, except where emergency conditions create a safety hazard to passengers or pedestrians or where the operator is prevented by traffic conditions from loading and unloading passengers immediately next to a curb. School bus operators are prohibited from using flashing red warning lights when pupils or other authorized passengers are loading or unloading directly from or on to the school grounds or that portion of the right of way between the roadway and the school grounds designated by "school" warning signs as provided in Section 118.08 (1) in which a street or highway borders the grounds of a school, pursuant to Section 349.21 (2) Wis. Stats., except where emergency conditions create a safety hazard to passengers or pedestrians."

The City of Tomah further enumerates in Traffic Code 7.20 "SCHOOL BUS WARNING LIGHTS. (1) Notwithstanding the provisions of S.346.48 (2) (b)2., Wis. Stats, as adopted by reference in

Section 7.01 of this chapter to the contrary, school bus operators may use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are not traffic signals and such persons must cross the street or highway before being loaded or after being unloaded."

The key phraseology is "...must cross the street or highway..." Similar verbiage is used in S346.48.

Here are some examples: North Glendale Avenue from the Canadian Pacific Railroad crossing to Arthur Street has no curb and sidewalk along the west side, however, on the east side curb and sidewalk is intermittent. We have a wheel chair student who lives in the 100 block of North Glendale. There is curb and sidewalk along the east side of the block where his residence is located. To the immediate north is Townline Road, which is a busy street that leads to Tomah's Industrial Park and to the immediate south is the Canadian Pacific Railroad crossing. Because there is not curb and sidewalk on **both** sides of North Glendale Avenue using the 4-way hazard lights for curbside pick up and discharge is precluded by state statute. Red warning lights are required by state statute which means the handicap school bus must remain in its lane of traffic with red warning lights deployed. Recently utility workers precluded using the driveway, traffic was backed up onto Townline Road and beyond the railroad crossing. This causes great concern because the procedure itself **is hazardous to the driver, student, traveling public and the school bus itself**. Added to the physical hazard is today's "road rage" phenomenon.

Sparta's Traffic Code would allow the use of 4-way hazard lights curbside discharge or pick up under the above scenario. Tomah's Traffic Code does not allow use of 4-way hazard lights. Does a municipal ordinance supercede a state statute?

Head Start regulations mandate bus routes must be configured to allow for service door side pick up and discharge. Where there is curb and sidewalk on both sides of the street state statute allows (with municipal approval) use of red warning lights **only** if students must cross the street. In the City of Tomah, we would be required to deploy 4-way hazard lights and pick up or discharge curbside. Because Tomah has many locations where curb and sidewalk are not in place on both sides of the street, theoretically, in the very next block that might not have curb and sidewalk on **both** sides of the street the driver would be required to remain in the lane of traffic and deploy the red warning lights. This would lead to a very confused driving public and very likely would work to the detriment of safety for all concerned.

Tomah's main street (Superior Avenue) is in part, a state highway with the remainder being a U.S. highway. The majority of Superior Avenue is a four (04) lane roadway. In a verbal arrangement with the Police Department, the Tomah Area School District has instructed our school bus drivers to limit picking up and discharging students on Superior Avenue and **ONLY** when necessary activate the 4-way hazard lights and pull next to the curb. If at all possible, drivers are instructed to use the alleys parallel to Superior Avenue to pick up and discharge students who live on Superior Avenue from Center Street on the south side to Arthur Street on the north side. The bulk of these riders are special needs or Head Start students.

There is a glaring lack of clarity as to when it is appropriate to use red warning lights per municipal ordinance versus state statutes particularly as it relates to wheel chair students/school buses. It is the safety of children that is paramount. However, the safety of the school bus drivers and public cannot be minimized. I believe further clarification/coordination is required when handicapped students are being transported in school buses as opposed to human services vehicles as spelled out in S346.475.

This office has discussed these concerns with Tomah's Chief of Police, Chris Anderson. He has discussed the issues with the City Attorney's office. Both offices seem to think Sparta's ordinance could be challenged as to its legality. (Personally, I feel it is what is needed to offer the bus driver an appropriate **safety option** given an immediate concern and I would believe that is how and why it was written and presented to the Sparta City Council for their approval.) Chief Anderson and City Counsel agree the matter of handicapped students riding a handicap/wheelchair lift **school bus** needs specific state statute language as to when red warning lights or 4-way yellow hazards lights should/can be used when picking up or discharging students within the confines of a municipality. The current statutes are devoid of this very serious safety issue.

Your assistance in assisting us to provide the safest student transportation possible is very much appreciated.

Sincerely,

Daniel M. Erickson
Transportation Supervisor
Tomah Area School District
(608) 374-7214

The views, opinions and statements contained in this transmission are not necessarily the views, opinions and statements of the Tomah Area School District.

Summary of constituent letter

There are two primary procedures for loading or unloading children from the school bus. The driver may pull up next to the curb and use the yellow flashing hazard lights. If this procedure is used, traffic does not have to stop for the bus; it can go around. Alternatively, the driver may remain in the roadway and use the red warning lights. If this procedure is used, traffic must stop and wait while the bus loads or unloads. The problems that arise are: (a) there are occasions where it is actually more hazardous to the driver, students, and other motorists to require the driver to stop in the roadway and hold up traffic for up to 5 minutes while loading or unloading handicapped or special needs children, (b) the driver may have to use different procedures on different blocks of the same street, creating a safety hazard and confusing other motorists.

Sparta's ordinance: The bus driver can't use red warning lights in the city, except where emergency conditions create a safety hazard to passengers or pedestrians or where traffic prevents the driver from (un)loading next to the curb.

There's a problem having different procedures on same street depending on whether there is a curb/sidewalk on one side or on both sides and depending on whether the student has to cross the street (which criteria is usually not met b/c of Headstart guidelines). In one instance, bus driver must remain in roadway with red warning lights on, blocking traffic, and cannot use yellow hazards b/c curb/sidewalk is only on one side of street and not both. (Bus usually uses the driveway, but recently driveway was blocked so bus had to remain in roadway and traffic backed up a long way and a serious safety hazard was created for the driver, students, and motorists.) Where there is no pull-out off the roadway and the street has a curb/sidewalk on one side but not the other, state law requirement of using red warning lights and staying in roadway can be very hazardous.

Need specific treatment of (un)loading handicapped students in school bus statutes. Also wants something like Sparta ordinance to give bus driver an appropriate safety option.

ARG

soon
turned
in 12/23

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

- 1 AN ACT ...; relating to: school buses loading or unloading pupils or other
2 authorized passengers.

Analysis by the Legislative Reference Bureau

Current law generally requires the driver of a vehicle approaching a school bus that is stopped on a highway and is displaying flashing red warning lights (warning lights) to stop the vehicle not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the bus driver extinguishes the warning lights. Current law also requires, with certain exceptions, a school bus driver to activate warning lights at least 100 feet before stopping to load or unload pupils or other authorized passengers (passengers) and the lights must remain activated until loading or unloading is completed and any person who must cross the highway is safely across. Under one exception, the bus driver may not activate the warning lights when loading or unloading in a special loading area where the bus is entirely off the traveled portion of the highway. Under another exception, the bus driver may not activate the warning lights when loading or unloading in a residence or business district where a sidewalk and curb are laid on both sides of the road, unless there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway, and a local ordinance authorizes the use of warning lights under these circumstances. (However, if a curb and sidewalk are laid on one side of the road only, the bus driver must activate the warning lights regardless of which side a passenger loads from.)

Under this bill, a school bus driver may not activate the warning lights when loading or unloading in a residence or business district, even if the bus is not entirely

LPS
Change
semicolons
to
commas

off the traveled portion of the highway and regardless of whether a curb and sidewalk are on one or both sides of the road, if all of the following conditions are met:

1. There is a sidewalk and curb on the side of the road where loading or unloading occurs.

2. The loading or unloading occurs immediately adjacent to the sidewalk and curb.

3. There is sufficient clearance on the roadway for other vehicles to pass at a safe distance to the left of the school bus.

4. No person must cross the highway before being loaded or after being unloaded.

(A bus driver may still activate the warning lights if ^{extra space out} there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway and a local ordinance authorizes the use of warning lights under these circumstances.)

The bill further provides that a bus driver may not activate the warning lights if, because of traffic or other emergency conditions, the use of warning lights would endanger the safety of passengers, pedestrians, or other motorists and passengers may be safely loaded or unloaded without the use of warning lights.

Under the bill, whenever a bus driver stops to load or unload passengers and does not activate the warning lights, the bus driver must activate the vehicular hazard lights (hazard lights). Other motorists need not stop for a school bus displaying hazard lights.

Under current law, no person who operates a human service vehicle may stop to load or unload a passenger who is a child with a disability unless the vehicle is entirely off the traveled portion of the highway in an area where stopping is permitted and the child does not have to cross the highway in order to be loaded or unloaded.

Under this bill, a bus driver may not activate warning lights, but must activate hazard lights, when loading or unloading any child with a disability and may only load or unload such a child if the bus is entirely off the traveled portion of the highway in an area where stopping is permitted and the child does not have to cross the highway in order to be loaded or unloaded.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 346.48 ^X(2) (a) of the statutes is amended to read:

346.48 (2) (a) Except as provided in ~~par.~~ [✓] par. [✓] par. (b), [✓] (bc), and (bg), the operator of a school bus equipped with flashing red warning lights as specified in s. 347.25 (2) shall actuate such lights at least 100 feet before stopping to load or unload pupils or other authorized passengers, and shall not extinguish such lights until loading or

UPS:
Change
semicolons
to
commas

1 unloading is completed and persons who must cross the highway are safely across.
2 ~~Where the curb and sidewalk are laid on one side of the road only, the operator shall~~
3 ~~use the flashing red warning lights when loading or unloading passengers from~~
4 ~~either side.~~

5 **SECTION 2.** 346.48 (2) (b) 2. of the statutes is amended to read:

6 346.48 (2) (b) 2. Residence or business districts when pupils or other authorized
7 passengers are to be loaded or unloaded where a sidewalk and curb are laid on both
8 sides the side of the road where the pupils or other authorized passengers are loaded
9 or unloaded if the loading or unloading occurs immediately adjacent to the sidewalk
10 and curb, there is sufficient clearancce on the roadway for other vehicles to pass at a
11 safe distance to the left of the school bus, and no person must cross the road before
12 being loaded or after being unloaded, unless required otherwise by municipal
13 ordinance enacted under s. 349.21 (1).

14 **SECTION 3.** 346.48 (2) (bc) of the statutes is created to read:

15 346.48 (2) (bc) A school bus operator may not use the flashing red warning
16 lights when stopping to load or unload pupils or other authorized passengers if,
17 because of traffic or other emergency conditions, the use of such lights would
18 endanger the safety of passengers, pedestrians, or other motorists and the pupils or
19 other authorized passengers may be safely loaded or unloaded without the use of
20 such lights.

21 **SECTION 4.** 346.48 (2) (bg) of the statutes is created to read:

22 346.48 (2) (bg) A school bus operator may not stop to load or unload any
23 passenger who is a child with a disability unless the school bus is entirely off the
24 traveled portion of the highway in an area where stopping, standing, or parking is
25 not prohibited and the child does not have to cross the highway in order to be loaded

1 or unloaded. The school bus operator shall not use the flashing red warning lights
2 specified in par. (a) in loading or unloading a child with a disability, but shall use the
3 vehicular hazard lights specified in sub. (2m).

4 **SECTION 5.** 346.48 (2m) of the statutes is created to read:

5 346.48 (2m) ^{ΔΔ} A school bus operator who stops to load or unload a pupil or other
6 authorized passenger under this section and who does not use the flashing red
7 warning lights as provided in sub. (2) (a) shall actuate the vehicular hazard lights
8 specified in s. 347.26 (11) (a) before stopping and shall not extinguish such lights
9 until loading or unloading is completed.

10 **SECTION 6. Initial applicability.**

11 (1) This act first applies to violations committed on the effective date of this
12 subsection, but does not preclude the counting of other violations as prior violations
13 for sentencing a person.

14 **SECTION 7. Effective date.**

15 (1) This act takes effect on the first day of the ^{3rd} ~~third~~ month beginning after
16 publication.

17 (END)

D - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1123/P1dn

ARG: *Kjf*

Date

ATTN: Marlene Reineking

The attached draft is prepared to address and resolve the issues raised in the constituent communication from Mr. Daniel M. Erickson. Please review the draft carefully to ensure that it is consistent with your intent. If you have any questions, please feel free to call or e-mail me.

The attached draft includes a delayed effective date of two months to allow school bus drivers time to learn the new laws relating to loading and unloading passengers before the laws actually go into effect. Is this okay?

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1123/P1dn
ARG:kjf:pg

January 7, 2003

ATTN: Marlene Reineking

The attached draft is prepared to address and resolve the issues raised in the constituent communication from Mr. Daniel M. Erickson. Please review the draft carefully to ensure that it is consistent with your intent. If you have any questions, please feel free to call or e-mail me.

The attached draft includes a delayed effective date of two months to allow school bus drivers time to learn the new laws relating to loading and unloading passengers before the laws actually go into effect. Is this okay?

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Gary, Aaron
Sent: Monday, January 13, 2003 4:17 PM
To: Reineking, Marlene
Cc: Fast, Timothy
Subject: LRB-1123: school bus loading

Marlene,

I just got a call from Bob Christian of the WI School Bus Ass'n. He had been provided a copy of LRB-1123 and had questions on the bill. Per LRB protocol, I confirmed that he indeed had a copy of the bill and then responded to his questions. One item he raised was concern with the breadth of the phrase "child with a disability" on p. 3, line 23 of the bill. I agree with his comments on this. Probably more suitable language would be "a child with a disability for whom use of the wheelchair lift is necessary", or something along those lines. I attempted to answer Mr. Christian's questions regarding the text of the bill and advised Mr. Christian that if he had comments or concerns about the bill that he would like considered, the proper procedure would be to direct those comments or concerns to the requesting legislator's office. Since I don't know if Mr. Christian will be contacting your office, and I think that if the bill is redrafted the foregoing change should be incorporated, I wanted to bring this to your attention now. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, January 14, 2003 11:15 AM
To: Reineking, Marlene
Subject: RE: LRB-1123: school bus loading

Unless I hear differently from you, I will redraft this as a "/P2" draft, and will be happy to redraft it again to incorporate any additional comments or changes received in the future. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Reineking, Marlene
Sent: Tuesday, January 14, 2003 10:18 AM
To: Gary, Aaron
Subject: RE: LRB-1123: school bus loading

HI AARON.

Please go ahead and do the redraft with the changes.

Thanks

Marlene @t Mussers

6-7461



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1123/11 P2

ARG:1.....
Wlj

Soon
turned in
1/15

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

Note

REGEN

- 1 AN ACT *to amend* 346.48 (2) (a) and 346.48 (2) (b) 2.; and *to create* 346.48 (2)
- 2 (bc), 346.48 (2) (bg) and 346.48 (2m) of the statutes; **relating to:** school buses
- 3 loading or unloading pupils or other authorized passengers.

Analysis by the Legislative Reference Bureau

Current law generally requires the driver of a vehicle approaching a school bus that is stopped on a highway and ^{that} is displaying flashing red warning lights (warning lights) to stop the vehicle not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the bus driver extinguishes the warning lights. Current law also requires, with certain exceptions, a school bus driver to activate warning lights at least 100 feet before stopping to load or unload pupils or other authorized passengers (passengers) and ^{the} lights must remain activated until loading or unloading is completed and ^{any} person who must cross the highway is safely across. Under one exception, the bus driver may not activate the warning lights when loading or unloading in a special loading area where the bus is entirely off the traveled portion of the highway. Under another exception, the bus driver may not activate the warning lights when loading or unloading in a residence or business district where a sidewalk and curb are laid on both sides of the road, unless there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway, and a local ordinance authorizes the use of warning lights under these circumstances. (However, if a curb and sidewalk are laid on one side of the road only, the bus driver must activate the warning lights regardless of ^{which} side a passenger loads ^{from})

Under this bill, a school bus driver may not activate the warning lights when loading or unloading in a residence or business district, even if the bus is not entirely

off the traveled portion of the highway and regardless of whether a curb and sidewalk are on one or both sides of the road, if all of the following conditions are met:

1. There is a sidewalk and curb on the side of the road where loading or unloading occurs.
2. The loading or unloading occurs immediately adjacent to the sidewalk and curb.
3. There is sufficient clearance on the roadway for other vehicles to pass at a safe distance to the left of the school bus.
4. No person must cross the highway before being loaded or after being unloaded.

(A bus driver may still activate the warning lights if there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway, and a local ordinance authorizes the use of warning lights under these circumstances.)

The bill further provides that a bus driver may not activate the warning lights if, because of traffic or other emergency conditions, the use of warning lights would endanger the safety of passengers, pedestrians, or other motorists, and passengers may be safely loaded or unloaded without the use of warning lights.

Under the bill, whenever a bus driver stops to load or unload passengers and does not activate the warning lights, the bus driver must activate the vehicular hazard lights (hazard lights). Other motorists need not stop for a school bus displaying hazard lights.

Under current law, no person who operates a human service vehicle may stop to load or unload a passenger who is a child with a disability unless the vehicle is entirely off the traveled portion of the highway in an area where stopping is permitted, and the child does not have to cross the highway in order to be loaded or unloaded.

Under this bill, a bus driver may not activate warning lights, but must activate hazard lights, when loading or unloading any child with a disability, and may only load or unload such a child if the bus is entirely off the traveled portion of the highway in an area where stopping is permitted, and the child does not have to cross the highway in order to be loaded or unloaded.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 SECTION 1. 346.48 (2) (a) of the statutes is amended to read:
- 2 346.48 (2) (a) Except as provided in ~~par.~~ pars. (b), (bc), and (bg), the operator
- 3 of a school bus equipped with flashing red warning lights as specified in s. 347.25 (2)
- 4 shall actuate such lights at least 100 feet before stopping to load or unload pupils or
- 5 other authorized passengers, and shall not extinguish such lights until loading or

physical
requiring use of a ramp or vertical power lift for loading or unloading

1 unloading is completed and persons who must cross the highway are safely across.
2 ~~Where the curb and sidewalk are laid on one side of the road only, the operator shall~~
3 ~~use the flashing red warning lights when loading or unloading passengers from~~
4 ~~either side.~~

5 **SECTION 2.** 346.48 (2) (b) 2. of the statutes is amended to read:

6 346.48 (2) (b) 2. Residence or business districts when pupils or other authorized
7 passengers are to be loaded or unloaded where a sidewalk and curb are laid on both
8 sides the side of the road where the pupils or other authorized passengers are loaded
9 or unloaded if the loading or unloading occurs immediately adjacent to the sidewalk
10 and curb, there is sufficient clearance on the roadway for other vehicles to pass at a
11 safe distance to the left of the school bus, and no person must cross the road before
12 being loaded or after being unloaded, unless required otherwise by municipal
13 ordinance enacted under s. 349.21 (1).

14 **SECTION 3.** 346.48 (2) (bc) of the statutes is created to read:

15 346.48 (2) (bc) A school bus operator may not use the flashing red warning
16 lights when stopping to load or unload pupils or other authorized passengers if,
17 because of traffic or other emergency conditions, the use of such lights would
18 endanger the safety of passengers, pedestrians, or other motorists and the pupils or
19 other authorized passengers may be safely loaded or unloaded without the use of
20 such lights.

21 **SECTION 4.** 346.48 (2) (bg) of the statutes is created to read:

22 346.48 (2) (bg) A school bus operator may not stop to load or unload any
23 passenger who is a child with a ^{physical} disability unless the school bus is entirely off the
24 traveled portion of the highway in an area where stopping, standing, or parking is
25 not prohibited and the child does not have to cross the highway in order to be loaded

requiring the use of a ramp or vertical power lift
for loading or unloading

1 or unloaded. The school bus operator shall not use the flashing red warning lights
2 specified in par. (a) in loading or unloading ~~except when a disabled~~ but shall use the
3 vehicular hazard lights specified in sub. (2m).
4 such a passenger

STET
Comma.

5 **SECTION 5.** 346.48 (2m) of the statutes is created to read:

6 346.48 (2m) A school bus operator who stops to load or unload a pupil or other
7 authorized passenger under this section and who does not use the flashing red
8 warning lights as provided in sub. (2) (a) shall actuate the vehicular hazard lights
9 specified in s. 347.26 (11) (a) before stopping and shall not extinguish such lights
until loading or unloading is completed.

10 **SECTION 6. Initial applicability.**

11 (1) This act first applies to violations committed on the effective date of this
12 subsection, but does not preclude the counting of other violations as prior violations
13 for sentencing a person.

14 **SECTION 7. Effective date.**

15 (1) This act takes effect on the first day of the 3rd month beginning after
16 publication.

17 (END)

D - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1123/P2dn

ARG: /...

WLj

ATTN: Marlene Reineking

The attached "P2" draft makes changes only to bill ^(CS)section 4 and the corresponding portion of the analysis. The draft narrows the scope of proposed s. 346.48 (2) (bg) by replacing the phrase "child with a disability" with the phrase "child with a physical disability requiring the use of a ramp or vertical power lift for loading or unloading."

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1123/P2dn
ARG:wlj:pg

January 16, 2003

ATTN: Marlene Reineking

The attached "/P2" draft makes changes only to bill SECTION 4 and the corresponding portion of the analysis. The draft narrows the scope of proposed s. 346.48 (2) (bg) by replacing the phrase "child with a disability" with the phrase "child with a physical disability requiring the use of a ramp or vertical power lift for loading or unloading."

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Reineking, Marlene
Sent: Wednesday, January 22, 2003 4:06 PM
To: Gary, Aaron
Subject: LRB1123/P2

HI AARON,

LRB1123/P2 HAS BEEN OK'ED BY THE CONSTITUENT WHO REQUESTED IT.

SO IT CAN BE DRAFTED IN FINAL FORM

THANKS

MARLENE @ MUSSERS



State of Wisconsin
2003 - 2004 LEGISLATURE

soon
turn
in 1/12

LRB-1123/1

ARG:wlj:pg

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

RMR

NO
CHANGES

- 1 AN ACT *to amend* 346.48 (2) (a) and 346.48 (2) (b) 2.; and *to create* 346.48 (2)
- 2 (bc), 346.48 (2) (bg) and 346.48 (2m) of the statutes; **relating to:** school buses
- 3 loading or unloading pupils or other authorized passengers.

Analysis by the Legislative Reference Bureau

Current law generally requires the driver of a vehicle approaching a school bus that is stopped on a highway and that is displaying flashing red warning lights (warning lights) to stop the vehicle not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the bus driver extinguishes the warning lights. Current law also requires, with certain exceptions, a school bus driver to activate warning lights at least 100 feet before stopping to load or unload pupils or other authorized passengers (passengers); the lights must remain activated until loading or unloading is completed and until any person who must cross the highway is safely across. Under one exception, the bus driver may not activate the warning lights when loading or unloading in a special loading area where the bus is entirely off the traveled portion of the highway. Under another exception, the bus driver may not activate the warning lights when loading or unloading in a residence or business district where a sidewalk and curb are laid on both sides of the road, unless there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway, and a local ordinance authorizes the use of warning lights under these circumstances. (However, if a curb and sidewalk are laid on one side of the road only, the bus driver must activate the warning lights regardless of from which side a passenger loads.)

Under this bill, a school bus driver may not activate the warning lights when loading or unloading in a residence or business district, even if the bus is not entirely

off the traveled portion of the highway and regardless of whether a curb and sidewalk are on one or both sides of the road, if all of the following conditions are met:

1. There is a sidewalk and curb on the side of the road where loading or unloading occurs.
2. The loading or unloading occurs immediately adjacent to the sidewalk and curb.
3. There is sufficient clearance on the roadway for other vehicles to pass at a safe distance to the left of the school bus.
4. No person must cross the highway before being loaded or after being unloaded.

(A bus driver may still activate the warning lights if there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway, and a local ordinance authorizes the use of warning lights under these circumstances.)

The bill further provides that a bus driver may not activate the warning lights if, because of traffic or other emergency conditions, the use of warning lights would endanger the safety of passengers, pedestrians, or other motorists, and passengers may be safely loaded or unloaded without the use of warning lights.

Under the bill, whenever a bus driver stops to load or unload passengers and does not activate the warning lights, the bus driver must activate the vehicular hazard lights (hazard lights). Other motorists need not stop for a school bus displaying hazard lights.

Under current law, no person who operates a human service vehicle may stop to load or unload a passenger who is a child with a disability unless the vehicle is entirely off the traveled portion of the highway in an area where stopping is permitted, and the child does not have to cross the highway in order to be loaded or unloaded.

Under this bill, a bus driver may not activate warning lights, but must activate hazard lights, when loading or unloading any child with a physical disability requiring the use of a ramp or vertical power lift for loading or unloading and may only load or unload such a child if the bus is entirely off the traveled portion of the highway in an area where stopping is permitted, and the child does not have to cross the highway in order to be loaded or unloaded.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 346.48 (2) (a) of the statutes is amended to read:
- 2 346.48 (2) (a) Except as provided in ~~par.~~ pars. (b), (bc), and (bg), the operator
- 3 of a school bus equipped with flashing red warning lights as specified in s. 347.25 (2)
- 4 shall actuate such lights at least 100 feet before stopping to load or unload pupils or

1 other authorized passengers, and shall not extinguish such lights until loading or
2 unloading is completed and persons who must cross the highway are safely across.
3 ~~Where the curb and sidewalk are laid on one side of the road only, the operator shall~~
4 ~~use the flashing red warning lights when loading or unloading passengers from~~
5 ~~either side.~~

6 **SECTION 2.** 346.48 (2) (b) 2. of the statutes is amended to read:

7 346.48 (2) (b) 2. Residence or business districts when pupils or other authorized
8 passengers are to be loaded or unloaded where a sidewalk and curb are laid on ~~both~~
9 sides the side of the road where pupils or other authorized passengers are loaded or
10 unloaded if the loading or unloading occurs immediately adjacent to the sidewalk
11 and curb, there is sufficient clearance on the roadway for other vehicles to pass at a
12 safe distance to the left of the school bus, and no person must cross the road before
13 being loaded or after being unloaded, unless required otherwise by municipal
14 ordinance enacted under s. 349.21 (1).

15 **SECTION 3.** 346.48 (2) (bc) of the statutes is created to read:

16 346.48 (2) (bc) A school bus operator may not use the flashing red warning
17 lights when stopping to load or unload pupils or other authorized passengers if,
18 because of traffic or other emergency conditions, the use of such lights would
19 endanger the safety of passengers, pedestrians, or other motorists and the pupils or
20 other authorized passengers may be safely loaded or unloaded without the use of
21 such lights.

22 **SECTION 4.** 346.48 (2) (bg) of the statutes is created to read:

23 346.48 (2) (bg) A school bus operator may not stop to load or unload any
24 passenger who is a child with a physical disability requiring the use of a ramp or
25 vertical power lift for loading or unloading unless the school bus is entirely off the

1 traveled portion of the highway in an area where stopping, standing, or parking is
2 not prohibited and the child does not have to cross the highway in order to be loaded
3 or unloaded. The school bus operator shall not use the flashing red warning lights
4 specified in par. (a) in loading or unloading such a passenger, but shall use the
5 vehicular hazard lights specified in sub. (2m).

6 **SECTION 5.** 346.48 (2m) of the statutes is created to read:

7 346.48 (2m) A school bus operator who stops to load or unload a pupil or other
8 authorized passenger under this section and who does not use the flashing red
9 warning lights as provided in sub. (2) (a) shall actuate the vehicular hazard lights
10 specified in s. 347.26 (11) (a) before stopping and shall not extinguish such lights
11 until loading or unloading is completed.

12 **SECTION 6. Initial applicability.**

13 (1) This act first applies to violations committed on the effective date of this
14 subsection, but does not preclude the counting of other violations as prior violations
15 for sentencing a person.

16 **SECTION 7. Effective date.**

17 (1) This act takes effect on the first day of the 3rd month beginning after
18 publication.

19 (END)

Emery, Lynn

From: Kolka, Kathie
Sent: Wednesday, March 12, 2003 2:43 PM
To: LRB.Legal
Subject: LRB-1123/1 Topic: School bus warning lights

It has been requested by <Kolka, Kathie> that the following draft be jacketed for the ASSEMBLY:

LRB-1123/1 Topic: School bus warning lights